
HOUSE BILL No. 1989

DIGEST OF INTRODUCED BILL

Citations Affected: IC 12-7-2; IC 12-10-10-2; IC 12-11-14; IC 12-15-5-1; IC 16-27-1-5; IC 25-22.5-1-2; IC 25-23-1-27.1.

Synopsis: In-home health care services. Provides that an individual in need of in-home care who is an eligible Medicaid recipient or a participant in the community and home options to institutional care for the elderly and disabled (CHOICE) program may employ registered personal services attendants to provide attendant care services. Exempts from these provisions home health agencies, hospice programs, and health care professionals who practice within the scope of their license. Allows a personal services attendant to perform certain in-home services and medical activities that, in the opinion of the attending physician, meet certain conditions and for which the attendant has received training or instruction on how to properly perform the medical activity from a licensed health professional. Requires an individual in need of in-home care and the individual's case manager to develop an authorized care plan. Requires that appropriate federal Medicaid waivers be sought to permit reimbursement of these services under Medicaid. Exempts attendant care services performed by a personal services attendant from the practice of medicine and nursing. Makes certain other changes.

Effective: Upon passage; July 1, 2001.

Goeglein, Klinker, Scholer, Duncan

January 17, 2001, read first time and referred to Committee on Ways and Means.

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Introduced

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

HOUSE BILL No. 1989

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 12-7-2-14.7 IS ADDED TO THE INDIANA CODE
- 2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 3 1, 2001]: **Sec. 14.7. "Ancillary services", for purposes of**
- 4 **IC 12-11-14, has the meaning set forth in IC 12-11-14-2.**
- 5 SECTION 2. IC 12-7-2-18.3 IS ADDED TO THE INDIANA CODE
- 6 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 7 1, 2001]: **Sec. 18.3. "Attendant care services", for purposes of**
- 8 **IC 12-11-14, has the meaning set forth in IC 12-11-14-3.**
- 9 SECTION 3. IC 12-7-2-20.7 IS ADDED TO THE INDIANA CODE
- 10 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 11 1, 2001]: **Sec. 20.7. "Basic services", for purposes of IC 12-11-14,**
- 12 **has the meaning set forth in IC 12-11-14-4.**
- 13 SECTION 4. IC 12-7-2-103.5 IS AMENDED TO READ AS
- 14 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 103.5. "Health related
- 15 services":
- 16 (1) for purposes of IC 12-10-15, has the meaning set forth in
- 17 IC 12-10-15-2; and

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(2) for purposes of IC 12-11-14, has the meaning set forth in IC 12-11-14-5.

SECTION 5. IC 12-7-2-117.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 117.1. "Individual in need of in-home care", for purposes of IC 12-11-14, has the meaning set forth in IC 12-11-14-6.**

SECTION 6. IC 12-7-2-122.9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 122.9. "Licensed health professional", for purposes of IC 12-11-14, has the meaning set forth in IC 12-11-14-7.**

SECTION 7. IC 12-7-2-137.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 137.3. "Personal services attendant", for purposes of IC 12-11-14, has the meaning set forth in IC 12-11-14-8.**

SECTION 8. IC 12-7-2-138 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 138. "Physician" means the following:**

(1) For purposes of IC 12-11-14 and IC 12-15-35, ~~the meaning set forth in IC 12-15-35-12:~~ **an individual who is licensed to practice medicine in Indiana under IC 25-22.5.**

(2) For purposes of IC 12-26, either of the following:

(A) An individual who holds a license to practice medicine under IC 25-22.5.

(B) A medical officer of the United States government who is in Indiana performing the officer's official duties.

SECTION 9. IC 12-10-10-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 2.** As used in this chapter, "community and home care services" means services provided within the limits of available funding to an eligible individual. The term includes the following:

(1) Homemaker services and attendant care, including personal care services.

(2) Respite care services and other support services for primary or family caregivers.

(3) Adult day care services.

(4) Home health services and supplies.

(5) Home delivered meals.

(6) Transportation.

(7) **Attendant care services provided by a registered personal**

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1 services attendant under IC 12-11-14 to persons described in
2 IC 12-11-14-6.

3 (8) Other services necessary to prevent institutionalization of
4 eligible individuals when feasible.

5 SECTION 10. IC 12-11-14 IS ADDED TO THE INDIANA CODE
6 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
7 JULY 1, 2001]:

8 **Chapter 14. Individuals in Need of In-Home Care**

9 **Sec. 1. This chapter does not apply to the following:**

10 (1) An individual who provides attendant care services and
11 who is employed by and under the direct control of a home
12 health agency (as defined in IC 12-15-34-1).

13 (2) An individual who provides attendant care services and
14 who is employed by and under the direct control of a licensed
15 hospice program under IC 16-25.

16 (3) A practitioner (as defined in IC 25-1-9-2) who is practicing
17 under the scope of the practitioner's license (as defined in
18 IC 25-1-9-3).

19 **Sec. 2. As used in this chapter, "ancillary services" means**
20 **services ancillary to the basic services provided to an individual in**
21 **need of in-home care who needs at least one (1) of the basic services**
22 **(as defined in section 4 of this chapter). The term includes the**
23 **following:**

24 (1) Homemaker type services, including shopping, laundry,
25 cleaning, and seasonal chores.

26 (2) Companion type services, including transportation, letter
27 writing, mail reading, and escort services.

28 (3) Assistance with cognitive tasks, including managing
29 finances, planning activities, and making decisions.

30 **Sec. 3. As used in this chapter, "attendant care services" means**
31 **those basic and ancillary services that enable an individual in need**
32 **of in-home care to live in the individual's home and community**
33 **rather than in an institution and to carry out functions of daily**
34 **living, self-care, and mobility.**

35 **Sec. 4. As used in this chapter, "basic services" means a function**
36 **that could be performed by the individual in need of in-home care**
37 **if the individual were not physically disabled. The term includes**
38 **the following:**

39 (1) Assistance in getting in and out of beds, wheelchairs, and
40 motor vehicles.

41 (2) Assistance with routine bodily functions, including:

42 (A) health related services (as defined in section 5 of this

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chapter);

(B) bathing and personal hygiene;

(C) dressing and grooming; and

(D) feeding, including preparation and cleanup.

Sec. 5. As used in this chapter, "health related services" means those medical activities that:

(1) in the opinion of the attending physician, could be performed by the individual if the individual were physically capable, and if the medical activity can be safely performed in the home; and

(2) the person who performs the medical activity has received training or instruction from a licensed health professional in how to properly perform the medical activity.

Sec. 6. As used in this chapter, "individual in need of in-home care" means a disabled individual who:

(1) is eligible for Medicaid, for services under a Medicaid waiver, or for the community and home options to institutional care for the elderly and disabled program under IC 12-10-10;

(2) is in need of attendant care services because of impairment; and

(3) requires assistance to complete functions of daily living, self-care, and mobility, including those functions included in attendant care services.

Sec. 7. As used in this chapter, "licensed health professional" means the following:

(1) A registered nurse.

(2) A licensed practical nurse.

(3) A physician with an unlimited license to practice medicine or osteopathic medicine.

(4) A licensed dentist.

(5) A licensed chiropractor.

(6) A licensed optometrist.

(7) A licensed pharmacist.

(8) A licensed physical therapist.

(9) A certified occupational therapist.

(10) A certified psychologist.

(11) A licensed podiatrist.

(12) A licensed speech-language pathologist or audiologist.

Sec. 8. As used in this chapter, "personal services attendant" means an individual who is registered to provide attendant care services under this chapter.

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1 **Sec. 9. (a) An individual may not provide attendant care services**
 2 **for compensation from Medicaid or the community and home**
 3 **options to institutional care for the elderly and disabled program**
 4 **for an individual in need of in-home care services unless the**
 5 **individual is registered under section 11 of this chapter.**

6 **(b) An individual who is related to an individual in need of**
 7 **in-home care is not precluded from providing attendant care**
 8 **services for compensation under this chapter.**

9 **Sec. 10. An individual who desires to provide attendant care**
 10 **services must register with the division or with an organization**
 11 **designated by the division.**

12 **Sec. 11. (a) The division shall register an individual who does the**
 13 **following:**

14 **(1) Provides the individual's resume. The individual must**
 15 **certify that the information contained in the resume is**
 16 **accurate. The resume may contain information concerning**
 17 **the individual's qualifications, work experience, and any**
 18 **credentials the individual may hold.**

19 **(2) Provides the individual's limited criminal history check**
 20 **from the Indiana central repository for criminal history**
 21 **information under IC 5-2-5 or another source allowed by law.**

22 **(3) If applicable, provides the individual's state nurse aide**
 23 **registry report from the state department of health. This**
 24 **subdivision does not require an individual to be a nurse aide.**

25 **(4) Provides at least three (3) letters of reference that are**
 26 **certified by the person providing the reference.**

27 **(5) Pays a registration fee. The division shall establish the**
 28 **amount of the registration fee.**

29 **(6) Any other information required by the division.**

30 **(b) A registration is valid for one (1) year. A personal services**
 31 **attendant may renew the personal services attendant's registration**
 32 **by updating any information in the file that has changed and by**
 33 **paying the fee required under subsection (a)(5). The limited**
 34 **criminal history check and report required under subsection (a)(2)**
 35 **and (a)(3) must be updated every two (2) years.**

36 **(c) The division shall maintain a file on each personal services**
 37 **attendant that contains:**

38 **(1) any comments submitted by an individual in need of**
 39 **in-home care who has employed the personal services**
 40 **attendant; and**

41 **(2) the items described in subsection (a)(1) through (a)(4).**

42 **(d) Upon request, the division shall provide to an individual in**

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1 need of in-home care the following:

2 (1) Without charge, a list of all personal services attendants
3 who are registered with the division.

4 (2) A copy of the information of a specified personal services
5 attendant who is on file with the division under subsection (c).
6 The division may charge a fee for shipping, handling, and
7 copying expenses.

8 Sec. 12. (a) A personal services attendant is an employee of the
9 individual in need of in-home care who hires the personal services
10 attendant.

11 (b) The division is not liable for any actions of a personal
12 services attendant or an individual in need of in-home care.

13 (c) A personal services attendant and an individual in need of
14 in-home care are each liable for any negligent or wrongful act or
15 omission in which the person personally participates.

16 Sec. 13. (a) An individual in need of in-home care is responsible
17 for recruiting, hiring, training, paying, dismissing, and supervising
18 in the individual's home during service hours a personal services
19 attendant who provides attendant care services for the individual.

20 (b) If an individual in need of in-home care is less than
21 twenty-one (21) years of age, the individual's parent or legal
22 guardian may make employment, care, and training decisions and
23 certify any employment related documents on behalf of the minor.

24 (c) An individual in need of in-home care and the individual's
25 case manager shall develop an authorized care plan. The
26 authorized care plan must include a list of weekly services that
27 must be performed to comply with the authorized care plan.

28 Sec. 14. The division shall adopt rules under IC 4-22-2
29 concerning:

30 (1) the method of payment to a personal services attendant
31 who provides authorized services under this chapter; and

32 (2) record keeping requirements for personal attendant
33 services.

34 Sec. 15. The individual in need of in-home care and the personal
35 services attendant must each sign a contract, in a form approved
36 by the division, each includes the following provisions:

37 (1) The responsibilities of the personal services attendant.

38 (2) The hours the personal services attendant will provide
39 attendant care services.

40 (3) The duration of the contract.

41 (4) The hourly wage of the personal services attendant. The
42 wage may not be less than the federal minimum wage or more

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than the rate that the recipient is eligible to receive under Medicaid, a Medicaid waiver, or the community and home options to institutional care for the elderly and disabled program for attendant care services.

(5) Reasons and notice agreements for early termination of the contract.

Sec. 16. (a) The office shall amend the community and community based services program under the state Medicaid plan to provide for the payment for attendant care services provided by a personal services attendant for a Medicaid eligible individual in need of in-home care under this chapter, including any related record keeping and employment expenses.

(b) The office shall not, to the extent permitted by federal law, consider as income money paid under this chapter to or on behalf of an individual in need of in-home care to enable the individual to employ registered personal services attendants, for purposes of determining the individual's income eligibility for services under this chapter.

Sec. 17. The division may:

- (1) initiate demonstration projects to test new ways of providing attendant care services; and
- (2) research ways to best provide attendant care services in urban and rural areas.

Sec. 18. (a) The division may adopt rules under IC 4-22-2 that are necessary to implement this chapter.

(b) The office shall apply for any federal waivers necessary to implement this chapter.

SECTION 11. IC 12-15-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. Except as provided in IC 12-15-2-12, IC 12-15-6, and IC 12-15-21, the following services and supplies are provided under Medicaid:

- (1) Inpatient hospital services.
- (2) Nursing facility services.
- (3) Physician's services, including services provided under IC 25-10-1 and IC 25-22.5-1.
- (4) Outpatient hospital or clinic services.
- (5) Home health care services.
- (6) Private duty nursing services.
- (7) Physical therapy and related services.
- (8) Dental services.
- (9) Prescribed laboratory and x-ray services.
- (10) Prescribed drugs and services.



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- (11) Eyeglasses and prosthetic devices.
- (12) Optometric services.
- (13) Diagnostic, screening, preventive, and rehabilitative services.
- (14) Podiatric medicine services.
- (15) Hospice services.
- (16) Services or supplies recognized under Indiana law and specified under rules adopted by the office.
- (17) Family planning services except the performance of abortions.
- (18) Nonmedical nursing care given in accordance with the tenets and practices of a recognized church or religious denomination to an individual qualified for Medicaid who depends upon healing by prayer and spiritual means alone in accordance with the tenets and practices of the individual's church or religious denomination.
- (19) Services provided to individuals described in IC 12-15-2-8 and IC 12-15-2-9.
- (20) Services provided under IC 12-15-34 and IC 12-15-32.
- (21) Case management services provided to individuals described in IC 12-15-2-11 and IC 12-15-2-13.
- (22) **Attendant care services provided by a registered personal services attendant under IC 12-11-14 to persons described in IC 12-11-14-6.**
- (23) Any other type of remedial care recognized under Indiana law and specified by the United States Secretary of Health and Human Services.

SECTION 12. IC 16-27-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 2001]: Sec]. 5. (a) As used in this chapter, "home health services" means services that are:

- (1) provided to a patient by:
 - (A) a home health agency; or
 - (B) another person under an arrangement with a home health agency;
 in the temporary or permanent residence of the patient; and
- (2) ordered by a licensed physician, a licensed dentist, a licensed chiropractor, a licensed podiatrist, or a licensed optometrist.
- (b) The term includes the following:
 - (1) Nursing treatment and procedures.
 - (2) Physical therapy.
 - (3) Occupational therapy.
 - (4) Speech therapy.
 - (5) Medical social services.
 - (6) Home health aide services.



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- (7) Other therapeutic services.
- (c) The term does not apply to the following:
- (1) Services provided by a physician licensed under IC 25-22.5.
 - (2) Incidental services provided by a licensed health facility to patients of the licensed health facility.
 - (3) Services provided by employers or membership organizations using health care professionals for their employees, members, and families of the employees or members if the health or home care services are not the predominant purpose of the employer or a membership organization's business.
 - (4) Nonmedical nursing care given in accordance with the tenets and practice of a recognized church or religious denomination to a patient who depends upon healing by prayer and spiritual means alone in accordance with the tenets and practices of the patient's church or religious denomination.
 - (5) Services provided by a personal services attendant under IC 12-11-14.**

SECTION 13. IC 25-22.5-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. (a) This article, as it relates to the unlawful or unauthorized practice of medicine or osteopathic medicine, does not apply to any of the following:

- (1) A student in training in a medical school approved by the board, or while performing duties as an intern or a resident in a hospital under the supervision of the hospital's staff or in a program approved by the medical school.
- (2) A person who renders service in case of emergency where no fee or other consideration is contemplated, charged, or received.
- (3) Commissioned medical officers or medical service officers of the armed forces of the United States, the United States Public Health Service, and medical officers of the United States Department of Veterans Affairs in the discharge of their official duties in Indiana.
- (4) An individual who is not a licensee who resides in another state or country and is authorized to practice medicine or osteopathic medicine there, who is called in for consultation by an individual licensed to practice medicine or osteopathic medicine in Indiana.
- (5) A person administering a domestic or family remedy to a member of the person's family.
- (6) A member of a church practicing the religious tenets of the church if the member does not make a medical diagnosis, prescribe or administer drugs or medicines, perform surgical or



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1 physical operations, or assume the title of or profess to be a
2 physician.

3 (7) A school corporation and a school employee who acts under
4 IC 34-30-14 (or IC 34-4-16.5-3.5 before its repeal).

5 (8) A chiropractor practicing the chiropractor's profession under
6 IC 25-10 or to an employee of a chiropractor acting under the
7 direction and supervision of the chiropractor under IC 25-10-1-13.

8 (9) A dental hygienist practicing the dental hygienist's profession
9 under IC 25-13.

10 (10) A dentist practicing the dentist's profession under IC 25-14.

11 (11) A hearing aid dealer practicing the hearing aid dealer's
12 profession under IC 25-20.

13 (12) A nurse practicing the nurse's profession under IC 25-23.
14 However, a registered nurse may administer anesthesia if the
15 registered nurse acts under the direction of and in the immediate
16 presence of a physician and holds a certificate of completion of a
17 course in anesthesia approved by the American Association of
18 Nurse Anesthetists or a course approved by the board.

19 (13) An optometrist practicing the optometrist's profession under
20 IC 25-24.

21 (14) A pharmacist practicing the pharmacist's profession under
22 IC 25-26.

23 (15) A physical therapist practicing the physical therapist's
24 profession under IC 25-27.

25 (16) A podiatrist practicing the podiatrist's profession under
26 IC 25-29.

27 (17) A psychologist practicing the psychologist's profession under
28 IC 25-33.

29 (18) A speech-language pathologist or audiologist practicing the
30 pathologist's or audiologist's profession under IC 25-35.6.

31 (19) An employee of a physician or group of physicians who
32 performs an act, a duty, or a function that is customarily within
33 the specific area of practice of the employing physician or group
34 of physicians, if the act, duty, or function is performed under the
35 direction and supervision of the employing physician or a
36 physician of the employing group within whose area of practice
37 the act, duty, or function falls. An employee may not make a
38 diagnosis or prescribe a treatment and must report the results of
39 an examination of a patient conducted by the employee to the
40 employing physician or the physician of the employing group
41 under whose supervision the employee is working. An employee
42 may not administer medication without the specific order of the

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employing physician or a physician of the employing group. Unless an employee is licensed or registered to independently practice in a profession described in subdivisions (8) through (17), nothing in this subsection grants the employee independent practitioner status or the authority to perform patient services in an independent practice in a profession.

(20) A hospital licensed under IC 16-21 or IC 12-25.

(21) A health care organization whose members, shareholders, or partners are individuals, partnerships, corporations, facilities, or institutions licensed or legally authorized by this state to provide health care or professional services as:

(A) a physician;

(B) a psychiatric hospital;

(C) a hospital;

(D) a health maintenance organization or limited service health maintenance organization;

(E) a health facility;

(F) a dentist;

(G) a registered or licensed practical nurse;

(H) a midwife;

(I) an optometrist;

(J) a podiatrist;

(K) a chiropractor;

(L) a physical therapist; or

(M) a psychologist.

(22) A physician assistant practicing the physician assistant's profession under IC 25-27.5.

(23) A physician providing medical treatment under IC 25-22.5-1-2.1.

(24) A personal services attendant providing attendant care services under IC 12-11-14.

(b) A person described in subsection (a)(8) through (a)(17) is not excluded from the application of this article if:

(1) the person performs an act that an Indiana statute does not authorize the person to perform; and

(2) the act qualifies in whole or in part as the practice of medicine or osteopathic medicine.

(c) An employment or other contractual relationship between an entity described in subsection (a)(20) through (a)(21) and a licensed physician does not constitute the unlawful practice of medicine under this article if the entity does not direct or control independent medical acts, decisions, or judgment of the licensed physician. However, if the

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direction or control is done by the entity under IC 34-30-15 (or IC 34-4-12.6 before its repeal), the entity is excluded from the application of this article as it relates to the unlawful practice of medicine or osteopathic medicine.

(d) This subsection does not apply to a prescription or drug order for a legend drug that is filled or refilled in a pharmacy owned or operated by a hospital licensed under IC 16-21. A physician licensed in Indiana who permits or authorizes a person to fill or refill a prescription or drug order for a legend drug except as authorized in IC 16-42-19-11 through IC 16-42-19-19 is subject to disciplinary action under IC 25-1-9. A person who violates this subsection commits the unlawful practice of medicine under this chapter.

(e) A person described in subsection (a)(7) shall not be authorized to dispense contraceptives or birth control devices.

SECTION 14. IC 25-23-1-27.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 27.1. (a) As used in this section, "licensed health professional" means:

- (1) a registered nurse;
- (2) a licensed practical nurse;
- (3) a physician with an unlimited license to practice medicine or osteopathic medicine;
- (4) a licensed dentist;
- (5) a licensed chiropractor;
- (6) a licensed optometrist;
- (7) a licensed pharmacist;
- (8) a licensed physical therapist;
- (9) a certified psychologist;
- (10) a licensed podiatrist; or
- (11) a licensed speech-language pathologist or audiologist.

(b) This chapter does not prohibit:

- (1) furnishing nursing assistance in an emergency;
- (2) the practice of nursing by any student enrolled in a board approved nursing education program where such practice is incidental to the student's program of study;
- (3) the practice of any nurse who is employed by the government of the United States or any of its bureaus, divisions, or agencies while in the discharge of the nurse's official duties;
- (4) the gratuitous care of sick, injured, or infirm individuals by friends or the family of that individual;
- (5) the care of the sick, injured, or infirm in the home for compensation if the person assists only:

- (A) with personal care;



- 1 (B) in the administration of a domestic or family remedy; or
 2 (C) in the administration of a remedy that is ordered by a
 3 licensed health professional and that is within the scope of
 4 practice of the licensed health professional under Indiana law;
 5 (6) performance of tasks by persons who provide health care
 6 services which are delegated or ordered by licensed health
 7 professionals, if the delegated or ordered tasks do not exceed the
 8 scope of practice of the licensed health professionals under
 9 Indiana law;
 10 (7) a physician with an unlimited license to practice medicine or
 11 osteopathic medicine in Indiana, a licensed dentist, chiropractor,
 12 dental hygienist, optometrist, pharmacist, physical therapist,
 13 podiatrist, psychologist, speech-language pathologist, or
 14 audiologist from practicing the person's profession; ~~or~~
 15 (8) a school corporation or school employee from acting under
 16 ~~IC 34-4-16.5-3.5. IC 34-30-14; or~~
 17 **(9) a personal services attendant from providing attendant**
 18 **care services under IC 12-11-14.**

19 SECTION 15. IC 34-30-2-43.8 IS ADDED TO THE INDIANA
 20 CODE AS A NEW SECTION TO READ AS FOLLOWS
 21 [EFFECTIVE JULY 1, 2001]: **Sec. 43.8. IC 12-11-14-12(b)**
 22 **(Concerning actions of a personal services attendant).**

23 SECTION 16. [EFFECTIVE UPON PASSAGE] (a) **As used in this**
 24 **SECTION, "office" refers to the office of Medicaid policy and**
 25 **planning.**

26 (b) **The office shall apply for any necessary federal waivers to**
 27 **provide Medicaid reimbursement of attendant care services**
 28 **provided by registered personal services attendants to Medicaid**
 29 **recipients under IC 12-11-14, as added by this act.**

30 (c) **Notwithstanding IC 12-11-14, as added by this act, the office**
 31 **may not implement IC 12-11-14, as added by this act, for eligible**
 32 **Medicaid recipients until:**

- 33 (1) **any necessary waiver is approved; and**
 34 (2) **the office has filed an affidavit with the governor attesting**
 35 **that the appropriate federal waiver applied for under this**
 36 **SECTION is in effect.**

37 **The office shall file the affidavit under this subsection not later**
 38 **than five (5) days after the office is notified that the waiver is**
 39 **approved.**

40 (d) **If the office receives a waiver under this SECTION from the**
 41 **United States Department of Health and Human Services, and the**
 42 **governor receives the affidavit filed under subsection (c), the office**



1 shall implement the waiver not later than sixty (60) days after the
2 governor receives the affidavit.

3 (e) This SECTION expires July 1, 2006.

4 SECTION 17. [EFFECTIVE JULY 1, 2001] (a) Notwithstanding
5 IC 12-11-14-11(a)(5), as added by this act, the division of disability,
6 aging, and rehabilitative services may not establish a registration
7 fee that exceeds thirty dollars (\$30).

8 (b) Notwithstanding IC 12-11-14-11(d)(2), as added by this act,
9 the division of disability, aging, and rehabilitative services may not
10 charge a fee for shipping, handling, and copying expenses that
11 exceeds five dollars (\$5) per file.

12 (c) This SECTION expires July 1, 2003.

13 SECTION 18. An emergency is declared for this act.

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